

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 47079-254WO	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416																
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International Patent Classification (IPC) or national classification and IPC IPC: <b>A63F 13/00</b> ( 2006.01) USPC: 463/27																			
Applicant WMS GAMING INC.																			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>9</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																			
<p>4. This report contains indications relating to the following items:</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>				<input checked="" type="checkbox"/> Box No. I	Basis of the report	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input type="checkbox"/> Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/> Box No. VIII	Certain observations on the international application
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Date of submission of the demand 09 Feb 2006 (09.02.2006)		Date of completion of this report 03 August 2006 (03.08.2006)																	
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201		Authorized officer Xuan Thai <i>Sharon D. Greene for</i> Telephone No. 571-272-7147																	

Form PCT/IPEA/409 (cover sheet)(April 2005)

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US05/08951

**Box No. I Basis of the report**1. With regard to the **language**, this report is based on:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☒ the international application as originally filed/furnished
- ☒ the description:
- pages 1-13 as originally filed/furnished
- pages\* NONE received by this Authority on \_\_\_\_\_
- pages\* NONE received by this Authority on \_\_\_\_\_
- ☒ the claims:
- pages 14-20 as originally filed/furnished
- pages\* NONE as amended (together with any statement) under Article 19
- pages\* NONE received by this Authority on \_\_\_\_\_
- pages\* NONE received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- pages 1-5 as originally filed/furnished
- pages\* NONE received by this Authority on \_\_\_\_\_
- pages\* NONE received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US05/08951**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)

Claims 1-53 YESClaims NONE NO

Inventive Step (IS)

Claims 48 YESClaims 1-47 and 49-53 NO

Industrial Applicability (IA)

Claims 1-53 YESClaims NONE NO**2. Citations and Explanations (Rule 70.7)**

Please See Continuation Sheet

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

International application No.

PCT/US05/08951

**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 52 is objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims 48 and 53 are indefinite for the following reason(s):

Claim 52 states that a remainder of a wager is used to determine if a consolation prize is won. It is unclear as to what the remainder of a wager is referring to. Also it is known in chance machines to offer a player a consolation prize in the event that a player loses. It is unclear as to who this consolation award is awarded to as per the claim language.

## Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Claim 1, 8, 10, 17, 31, 35, 39 - 42, 43 - 47, 50 and 52 lack inventive step under PCT Article 33(3) as being obvious over Moody (US 6,007,066) in view of Jones et al (US 6,336,859).

Regarding claim 1, 8, 10, 31, 35 43 Moody discloses a basic game having a plurality of symbols that indicate a randomly selected outcome of a basic game (10:5 - 11:8). Moody also discloses that whereupon a player achieving a particular hand combination, the player may play a bonus round that has a jackpot that can either be a fixed amount or may be a progressive jackpot. Thus the bonus feature would be a progressive feature. The player does not initially receive an award for triggering the progressive bonus feature. The player receives a progressive award depending on the results of the bonus round (11:9-23). Moody does not disclose the progressive award increasing due to a wagers being input from a plurality of game terminals Jones et al discloses a progressive game that is played by multiple game terminals wherein the progressive award increases in relation to the wager inputs at each game machine (Jones 3:41 - 60).

One of ordinary skill in the art would be motivated to combine the teachings of Moody in view of Jones et al. for the purpose of providing a progressive game that utilizes a plurality of game terminals wherein the value of the progressive award increases in relation to the value of the wagers. Progressive games of this type are able provide greater value awards than stand alone game machines. The chances of receiving greater awards are enhance the attractiveness of the games.

Regarding claim 17 Moody discloses that the follow up game play can have an actual value of zero in that a player wins a progressive jackpot for the combinations of a royal flush or a sequential royal flush (Moody 11:15 - 18). Thus a player will not win a progressive award for a game combination other than a royal flush or a sequential royal flush.

Regarding claims 39 and 40, Moody does not disclose the displaying the progressive award on signage that is connected to a

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plurality of machines. Moody also does not disclose displaying on this signage multiple progressive awards. Jones et al discloses a progressive game that is played by multiple game terminals wherein the progressive award increases in relation to the wager inputs at each game machine (Jones 3:41 - 60). Jones discloses that signs displaying at least one progressive jackpot amount on at least one sign is displayed to the players (Jones et al. 14:16 - 18).

One of ordinary skill in the art would be motivated to combine Moody in view of Jones et al. for the purpose of providing progressive award jackpot signs so the players can view them. This informs the players what potential awards are possible.

Regarding claims 41 and 42, Moody discloses that the predetermined event that triggers the progressive award outcome occurs during the basic game. However, Moody does not disclose the predetermined event occurring at one of a plurality of game terminals. Jones et al discloses a plurality of game terminals that are linked together wherein the terminals all contribute to a progressive jackpot in response to wager input. Jones discloses that the player that achieves the progressive award outcome will win the all or part of the progressive award (Jones et al. 2:12 - 16).

Regarding claim 50, Moody discloses that the randomly selected outcome that can trigger a bonus round is determined after a preset wager amount is input (Moody 11:3 - 5).

Claims 2 - 6, 18 - 25 32, 33, 36, 37 lack inventive step under PCT Article 33(3) as being obvious over Moody (US 6,007,066) in view of Jones et al (US 6,336,859) as applied above, and further in view of Visocnik (US 2004/0048646).

Regarding claims 2, 5 6, 32 and 36 Moody does not disclose wherein the bonus game affords the player one or more free spins. Nor does moody disclose that a maximum or minimum number of free spins. Visocnik discloses a bonus game that is trigger in a basic game wherein the player is awarded an allotment of free bonus games or spins (Visocnik page 11:par 121). Visocnik teaches the use of a spin counter that determines the number of spins that the player is awarded. The counter is obviously initialized to a maximum number and counts down to a minimum number. Thus the player is awarded a minimum and a maximum number of free spins.

One of ordinary skill in the art would be motivated to modify Moody in view of Jones et al. and in further view of Visocnik to provide a bonus feature wherein a player is awarded a plurality of free spins. Free spins allow a player to have more opportunities in the game to try to win more prizes, money or awards.

Regarding claim 3, 37 Moody fully discloses a predetermined event that causes the initialization of the bonus game (Moody 11:9 - 12).

Regarding claim 4, Moody does not disclose a bonus game that offers the player free spins, wherein these free spins are associated with monetary and non-monetary values. Visocnik discloses offering a player a bonus game wherein the player given free spins. Wherein the free spins yield to the player bonus awards (Visocnik page 11:par 121). Visocnik also discloses that the award may be in the form of coins or game tickets that represent an amount of game credits (Visocnik page 5:par 76). Thus Visocnik discloses awarding the player monetary and non-monetary awards.

One of ordinary skill in the art would be motivated to modify Moody in view of Jones et al. and in further view of Visocnik for the purpose of providing monetary and non-monetary awards that are associated with the free spins. This is beneficial to the player and the casino due to the fact that not all players prefer to be paid in monetary values or non-monetary values.

Regarding claim 18 - 24 Moody discloses a basic game having a plurality of symbols that indicate a randomly selected outcome of a basic game (10:5 - 11:8). Moody also discloses that whereupon a player achieving a particular hand combination, the player may play a bonus round that has a jackpot that can either be a fixed amount or may be a progressive jackpot. Thus the bonus feature would be a progressive feature. The player does not initially receive a award for triggering the progressive bonus feature. The player receives a progressive award depending on the results of the bonus round (11:9-23). Moody does not disclose the progressive award increasing due to a wagers being input from a plurality of game terminals. Moody does not disclose a bonus game that offers the player free spins. Jones et al discloses a progressive game that is played by multiple game terminals wherein the progressive award increases in relation to the wager inputs at each game machine (Jones 3:41 - 60). Visocnik discloses offering a player a bonus game wherein the player given free spins. Wherein the free spins yield to the player bonus awards (Visocnik page 11:par 121).

One of ordinary skill in the art would be motivated to combine the teachings of Moody in view of Jones et al. and further in view of Visocnik for the purpose of providing a progressive game that utilizes a plurality of game terminals wherein the value of the progressive award increases in relation to the value of the wagers. Progressive games of this type are able provide greater value awards than stand alone game machines. The chances of receiving greater awards are enhance the attractiveness of the games. One of ordinary skill in the art would be motivated to modify Moody in view of Jones et al. and in further view of Visocnik for the purpose of providing monetary and non-monetary awards that are associated with the free spins. This is beneficial to the player and the casino due to the fact that not all players prefer to be paid in monetary values or non-monetary values.

Regarding claim 25, Moody discloses that the follow up game play can have an actual value of zero in that a player wins a

**Supplemental Box**

progressive jackpot for the combinations of a royal flush or a sequential royal flush (Moody 11:15 - 18). Thus a player will not win a progressive award for a game combination other than a royal flush or a sequential royal flush.

Claim 7 lacks inventive step under PCT Article 33(3) as being obvious over Moody (US 6,007,066) in view of Jones et al (US 6,336,859) as applied above, and further in view of Cannon (US 2003/0125102).

Regarding claim 7, Moody does not disclose a progressive bonus round that is associated with a multiplier that increases the monetary award the player may receive. However, Cannon discloses a game machine wherein symbols will be arranged upon pay lines and certain combinations of symbols can provide a player with a possible progressive bonus award. The indicia may also be associated with a multiplier for providing a larger sum of money that may be won by the player (Cannon page 6:par 55).

One of ordinary skill in the art would be motivated to modify Moody in view of Jones et al. and further in view of Cannon to provide a progressive award that is associated with a multiplier for increasing the amount of money that a player can win. Cannon discloses that multipliers are commonly known to those of ordinary skill in the art for enhancing game play (Cannon page 6:par 55).

Claim 9 lacks inventive step under PCT Article 33(3) as being obvious over Moody (US 6,007,066) in view of Jones et al (US 6,336,859) as applied above, and further in view of Baerlocher et al. (US 6,599,193).

Regarding claim 9, Moody discloses a progressive award feature. Moody does not disclose that the progressive award feature is measured in integers and increases by an incremental value for each wager input, wherein the incremental value is a fraction of the integer. Baerlocher describes a progressive game wherein the award can reach 1 million dollars, which is an integer value, and every time a player makes a wager a percentage of the wager is contributed to the jackpot (Baerlocher 1:31 - 44).

One of ordinary skill in the art would be motivated to modify Moody in view of Jones et al. and further in view of Baerlocher to provide a progressive award that is measured in integers and increases by a fraction of every wager. This is well known and common in the art with regards to progressive game machines.

Claims 11, 12, 13 lack inventive step under PCT Article 33(3) as being obvious over Moody (US 6,007,066) in view of Jones et al (US 6,336,859) as applied above, and further in view of Thomas (US 6,190,255).

Regarding claims 11, 12 and 13, Moody discloses a gaming terminal wherein the player can qualify for a bonus round or follow up game play wherein the bonus round offers a progressive award (Moody 11:9 - 23). Moody discloses a display layout wherein the player is dealt card in a grid-like format (Moody Figs 1 - 26). These cards are selectable by the player when they want to hold or discard a particular card (Moody 11:1 - 3). These cards or options have value associated with them in the form of suit and rank. However, Moody does not disclose that the options are associated with game terminating or multiplier options. Thomas however discloses a bonus game wherein the player is presented with a grid of options wherein the options are associated with multipliers and game terminating options (Thomas 5:57- 62, 9:58 - 61, 10:61 - 64).

One of ordinary skill in the art would be motivated to modify Moody et al in view of Jones et al. and further in view of Thomas et al. for the purpose of providing follow up game play that includes options that are associated with multipliers and terminators. These will enhance the player's excitement and anticipation, as they will be able to increase their potential bonus payouts. Terminators are commonly used in bonus games to increase the player's element of risk in that they try achieving higher winnings in exchange for already possessed winnings.

Claims 14 and 15 lack inventive step under PCT Article 33(3) as being obvious over Moody (US 6,007,066) in view of Jones et al (US 6,336,859) and in view of Thomas (US 6,190,255) as applied above, and in further view of Swift (US 2004/0002376).

Regarding claims 14 and 15, Moody discloses a progressive bonus feature that awards a progressive jackpot based upon follow up game play in a bonus round (Moody 11:9 - 24). Moody does not disclose that the bonus game is associated with game terminators that change or decrease as the progressive award changes or increases. Swift discloses a progressive game wherein the bonus is associated with game terminators that decrease in relation to an increase in the amount that a player wagers in a base game (Swift page 5:par 61). Thus the larger a player's wager the more the progressive award will increase as well. In response to the larger wager which will increase the progressive jackpot the number of game terminators will decrease.

One of ordinary skill in the art would be motivated to combine the teachings of Moody in view of Jones in view of Thomas and in further view of Swift for the purpose of providing a game wherein the larger the progressive award is the amount of game terminating options decrease. This would provide the player who makes a larger more risky wager to have a greater chance at winning the larger progressive award.

Claim 16 lacks inventive step under PCT Article 33(3) as being obvious over Moody (US 6,007,066) in view of Jones et al (US 6,336,859) as applied above, and further in view of Marks et al. (US 2003/0236116).

**Supplemental Box**

Regarding claim 16, Moody discloses a game wherein the player is offered a progressive award for a winning combination of cards such as a royal flush (Moody 11:15 - 18). Moody does not disclose a player being offered multiple progressive awards such as for different winning combinations. Marks disclose that a player can be offered a different progressive award for different winning combinations of a game machine.

One of ordinary skill in the art would be motivated to combine the teachings of Moody in view of Jones and in view of Marks for the purpose of providing a player with the opportunity to achieve different progressive awards for winning combinations. Multiple progressive awards provide a player with more opportunities to win a game.

Claims 26 - 30 lack inventive step under PCT Article 33(3) as being obvious over Moody (US 6,007,066) in view of Jones et al (US 6,336,859) and in view of Thomas et al. (US 6,190,255) and in further view of Swift (US 2004/0002376).

Regarding claims 26 - 30, Moody discloses that a player may play a base game that triggers a progressive game where a player's progressive award is determined by the winning combination of the bonus game (Moody 11:9 - 18). Moody discloses that the value of the progressive award can equal zero because if the player's bonus hand combination is not a royal flush or a sequential royal flush the player will not receive a progressive award (Moody 11:15 - 18). Moody does not disclose the progressive award increasing due to a wagers being input from a plurality of game terminals. Moody does not disclose a progressive game where the player is presented a grid of player selectable options that are associated with terminators and multipliers. Moody does not disclose that the bonus game is associated with game terminators that change or decrease as the progressive award changes or increases. Jones et al discloses a progressive game that is played by multiple game terminals wherein the progressive award increases in relation to the wager inputs at each game machine (Jones 3:41 - 60). Thomas et al. discloses a bonus game wherein the player is presented with a grid of player selectable options that are associated with terminators and multipliers (Thomas 5:57- 62, 9:58 - 61, 10:61 - 64). Swift discloses a progressive game wherein the bonus is associated with game terminators that decrease in relation to an increase in the amount that a player wagers in a base game (Swift page 5:par 61). Thus the larger a player's wager the more the progressive award will increase as well. In response to the larger wager which will increase the progressive jackpot the number of game terminators will decrease.

One of ordinary skill in the art would be motivated to modify Moody et al in view of Jones and in view of Thomas et al. for the purpose of providing follow up game play that includes options that are associated with multipliers and terminators. These will enhance the player's excitement and anticipation, as they will be able to increase their potential bonus payouts. Terminators are commonly used in bonus games to increase the player's element of risk in that they try achieving higher winnings in exchange for already possessed winnings. One would also be motivated to combine the teachings of Moody with Jones to provide a progressive game that utilizes a plurality of game terminals wherein the value of the progressive award increases in relation to the value of the wagers. Progressive games of this type are able to provide greater value awards than stand alone game machines. The chances of receiving greater awards are enhanced by the attractiveness of the games. One of ordinary skill in the art would be motivated to combine the teachings of Moody in view of Jones in view of Thomas and further in view of Swift to provide a game that gives the player a greater chance to win a bonus game if they make a larger wager.

Claims 34 and 38 lack inventive step under PCT Article 33(3) as being obvious over Moody (US 6,007,066) in view of Jones et al (US 6,336,859) as applied above, and in view of Marks et al. (US 2003/0236116).

Regarding claims 34 and 38, Moody discloses a base game that can trigger a progressive bonus game wherein the player is awarded a progressive award depending upon their hand of cards in the follow-up game play (Moody 11:9 - 24). Moody does not disclose more than one progressive award that is issued to a player in response to different progressive award outcomes. Marks et al. discloses a progressive game wherein the game may offer any number of different progressive awards that are offered for any number of winning combinations (Marks et al. page 2:par 34).

One of ordinary skill in the art would be motivated to combine the teachings of Moody in view of Marks et al. to provide a game that is able to offer the player different progressive awards depending on different winning combinations. This is beneficial to the player because the player will feel that his chances at receiving a progressive award are greater if there are multiple awards.

Claim 49 lacks inventive step under PCT Article 33(3) as being obvious over Moody (US 6,007,066) as applied above, and in view of Wells (US 2003/0064805).

Regarding claim 49, Moody does not disclose a plurality of game machine terminals that play a progressive game wherein the terminals are connected to an external game controller that determines the randomly selected outcomes of the basic game. Wells discloses a game system that utilizes wireless game terminals wherein a master game controller generates the game outcomes and presents them to the wireless game terminal (Wells page 2:par 16). Wells further states that these wireless game terminals can be used to participate in a progressive game. Thus the master game controller would also control the game outcomes for the progressive game as well.

One of ordinary skill in the art would be motivated to combine the teachings of Moody in view of Wells to provide a game in which an external game controller is provided to control the outcomes of a progressive game. This is beneficial due to the fact that only



**Supplemental Box**

one game component such as the game controller is responsible for determining the game outcomes instead of multiple game machine terminals. This enables for more exact synchronization between the game terminals and the game controller.

Claim 51 lacks inventive step under PCT Article 33(3) as being obvious over Moody (US 6,007,066) in view of Jones et al (US 6,336,859) as applied above, and in view of Olsen (US 2001/0004607).

Regarding claim 51, Moody does not disclose the inputting of a maximum wager at a plurality of gaming terminals. Olsen discloses a plurality of game machines wherein a player has to make a maximum wager to be eligible for bonus time period (Olsen page 8:par 81 - 83).

One of ordinary skill in the art would be motivated to combine the teachings of Moody in view of Jones and in view of Olsen to provide a game machine that utilizes a maximum bet value at a plurality of game terminals. Maximum wager features are common in game machines and are commonly used to determine a player's eligibility for a grand prize, jackpot etc.

Claim 53 lacks inventive step under PCT Article 33(3) as being obvious over Moody (US 6,007,066) in view of Jones et al (US 6,336,859) as applied above, and Weiss (US 6,609,973).

Regarding claim 53, Moody does not disclose a progressive award having multiple levels wherein if a player wagers a preselected amount the remainder of the wager will be used to determine the level of the progressive award that is awarded. Weiss discloses that a progressive game with multiple award levels with differing amount of awards depending on the amount wagered. Weiss discloses that a player can be issued a progressive award of a lower amount if the player makes a wager of a lower value. A progressive award of a higher value will be available to a player if a player makes a maximum wager. Thus the lower value wager is a preselected wager amount and if a player wagers an amount greater (i.e. the remainder amount) than lower amount, such as the maximum amount they will be eligible for the greater level progressive award.

One of ordinary skill in the art would be motivated to combine the teachings of Moody in view of Jones et al, and further in view of Weiss to provide a game that has multiple different levels of progressive awards that are available to the player depending upon how much the player decides to wager. This is beneficial to the player because the player does not have to always bet a maximum amount to be eligible for the progressive award.

Claim 48 meets the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a randomly selected outcome that is not selected in the base game.

Claims 1 - 53 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

With regard to applicant amendments/remarks filed 02 Feb 2006 claim 48 is now indicated as meeting the criteria set out in PCT Article 33(2)-(3). The applicant argues with respect to claims 1, 18, 31, 35, and 43, that Moody teaches that a player can receive a progressive award, whose value is indicated to the player in an award pay table during the current game play - if the player achieves a winning combination in a bonus round. However, Moody does not disclose the indication of an award value to the player. Moody only indicates an bonus award payable which as best understood by the disclosure only indicates the winning hands of the bonus game. This would indeed seem logical since Moody discloses that the bonus jackpot can be a progressive award. Thus the payable could not be static, but would have to change according to the progressive game.

With regard to claim 22, please see rejection above in view of Moody, Jones and Visocnik.

With regard to claim 26, please see rejection above in view of Moody, Jones, Thomas and Swift.

Claims 1-53 the criteria set out in PCT Article 33(4), and thus 1-53 industrial applicability because the subject matter claimed can be made or used in industry.